APRIL TERM, 1866. Reported Expressly for the Clarion.

Charles K. Marshall, William Grimes et al.

CHIEF SCAPICE HANDY DELIVERED THE

This was a bill filed by the appellant in the Chancery Court of Warren County, alleging that by so act of the Legislature of this Stote, passed November 20, 1865, the extinsive right of running a ferry-boat across the Mississippi river within certain limits therein prescribed, was granted to him; that he had, at great expense, purchased a large steam ferry boat, and brought it to the forty landing at Vicksburg, and was fully prepared to comply with all the terms and stipulations of said act of the Legislature; that William Grimes and others, in violation of the right granted by that act, placed a ferry boat, to run within the limits granted OF THE COURT. a ferry boat, to run within the limits grate the complainant by the act, and p the right granted to the complainant, and praying for an injunction to restrain the defendants from running their boat in violational from running their boat in violation for the result of the running their boat in violation for the running their ferry boat in violation for the running for an injunction for the running for the running their boat in violation for the running the

the Legislature is exhibited with the bill.

The first section authorizes the complainant, his heirs and assigns, to establish and keep a ferry across the Mississippi river for the Accommodation of persons and movable property for transportation to a point on the continuous shore, opposed to the circuit. benjaina shore, opposite to the city of Vipksburg, not provided for in the charter of the Vicksburg, Shreveport and Texas Raifroad Company, granted 29th February, 1856, and said right shall cover the bank of said river for a distance up and down the river of four miles in each direction, with iver of four miles, in each direction, with he exclusive right to said parties to collect s and charges for terriage, for twenty are, but not to invalidate the rights of years, but not to invalidate the rights of said Railcoad Company. Section 2nd provides that the fees for transportation fixed by the Board of Police of Warren county, shalf regulate the charges, and that the Board may require the customary bond, and syment into the County Treasury of the tount already established by them, payabound already established by them, payabound in the county is a should be county in the charge and print and print the custom of the charge. actoration or extension of the charter anted by the Board of Police of Wagren cuty, to said Marshall, said Board shall exacteding three hundred dollars annual to be paid into the County Treasury by

to be paid into the County Treasury, by the parties owning and running the ferry of Other sections prohibit the interference ith the rights granted, except by the Rail-ford Company, require the parties to com-ply with the general laws regulating ferries in this State, and reserve the right to repeal alter or amend the act.

The answer religits the passage of the ac of the Legislature but denies that it is of any validity, because it is contrary to the Constitution of this State—1st, in attemptto confer exclusive emoluments an wiliges, not in consideration of any public tylee; 2nd, because the Legislature selection over the subject of ferries, me being committed by the Constituon to the Boards of Police. It admits a ferry boat to carry on a ferry within units granted to complainant by the act he Logislature; that at the date of filing bill, he was engaged in running a steam-tom a point on the banks of the Misspiriver within the limits of the circ aburg, to a point or points of the ade of the river, in Louisiana, for carright, passengers &c., he being the r of said boat by purchase on 27th 1865, from John A. Kleiu, who ed authority from the Military

Authorities then occupying the city of Vicksburg, in Mach, 1804, to carry on a ferry at that point, twere being no ferry authorized by law at that point, and he continued 1366 by law at this point, and he continued to do so until 37th November, 1865, when said Klein sold said boat to defendant; that Klein had procured from the city authorities of Vicksburg the privilege of landat at the wharf belonging to said city, said city being the owner in fee of the river front, which said privilege Klein transferred to defendant with the the boat; alleges that by the law of this State, the city of Vicksburg has the right, with the consent of the Board of Police, to establish a ferry to run from any portion of the landing belonging to the city, which right cannot be taken away from the city, unless on due police she deliber to nuless on due notice she declines or refuses to do so, and defendant insists that, for this reason, complainant has no right to deprive the city or any one acting under its authority, from the rights granted by the city, ex cept on compliance with the general law, and that no notice was given to said city, or to the defendants, of the action of complainant in procuring the passage of the act in his behalf; that on the 25th November, 1835, he caused the steamboat owned by him as a ferry boat, to be regularly enrolled in the office of the collector of customs, at Vicksburg, in accordance with the acts of Congress, and he exhibits a copy of the en-rollment; and that by virtue thereof, he was entitled to a license from said collector to carry on the coasting trade from said port to and with the State of Louisiana, which liconse he procured and exhibits; and that it was in accordance with that license that he was running his boht, when he was enjoined in this suit; and that he is entitled thereby to run his boat, and carry on trade. and take passengers and freight to any point in Louisiana, and that such inrecourse is a coasting trade and commerce between the States, within the meaning of the Constitution and laws of the United tes that the Mississippi river is a nav-ble stream and that under the Constitu-nand laws of the United States, and his se, he has the right of commercial in-urse and to carry on the coasting trade the State of Louisiana, whether his called a ferry boat or a packet; and sta that the Legislature of this State

power to infringe his rights, and act passed for complainant's automatitational. the Court to dissolve the injunction, on was sustained, and from that peal was taken, as presented in the argument

the act of the Legislature ry franchise to the appellant of the act of Congress for the this State into the Union, as that the Mississippi river roman highway, and forsver tizzus of the United States.

tates "to regulate commerce ations, and among the several in the Indian tribes," and is

od on which the net in ques the point any ears to be abject to able third seems and prohibits all persons except the Reil and company from "transporting any persons, shimid of property may be nivered by the States themselves. Inspection laws, quarantine laws, health laws of the prohibits under average penalties, and this prohibits under average penalties, and this prohibits under average penalties, a new ressel across the river, within the allowed persons the river, within the legical Government, all of which can be most advantageously exercised by the States themselves. Inspection laws, health laws of twenty description, as well as laws for regulating the insernal commerce of a State, and it lasted for several hours, it is granted to the franchise and compels such a second power ever these objects is granted.

New York and Boston, has a American Constitution to music strange oritorium was lately persons the inverse of a State, and it lasted for several hours, it is not the inverse of a state, and it lasted for several hours, it is not to be inversed by the inverse of a state, and it is at a state of the inverse of a state of the

person to use the boat of the appellant or that purpose, and to pay tell for it.

If this were the effect of the act, the obsertion to it would be clearly well founded.

But we do not consider the view as sus tained by a proper construction of the act.
Its object manifestly was to give the appellant the exclusive right of keeping a public ferry across the river and to receive the tolls forty across the river and to receive the tolls for transportation. The language of the third section is that "no peru-u, except the Railroad, shall be permitted to transport any persen, animal or property," Ac. And this language must be taken with reference to the object the Legislature had in view, which was to secure to the appellant the exclusive right of keeping a ferry for transportation, and to prohibit all persons from interfering with that right, by keeping a ferry, or engaging is the banishess of transporting persons, animals or goods. It was not within the power of the Legislature to dewithin the power of the Legislature to de-prive an individual of the right to take him-self or his personal property in his own ves-sel, or in that of another, whether used for mblic or private business; provided such out was not kept and used for the purpose of a ferry boat. And general words in the act should not be se construed as to give an effect to it beyond the Legislative power. and thereby render the act unconstitutional. But, if possible, a construction should be given to it that will render it free from constitutional objections, and the presumption must be that the Legislature intended to grant such rights as were legitimately within its power.

But if the view of the act taken in behalf of the appellec were correct, it would be of no avail to him in this case. It would only show that the act is unconstitutional, so far show that the act is unconstitutional, so far as it prohibits private individuals from taking themselves or their property across the river in their own boats, or in the boats of others, not used as every boats. But that would not reader them as stational on the ground under remarked thou, as to persons keeping and using the first boat in violation of the franchine granted to the appellant; and that is the case, presented between these parties.

The grant to the appellant does not inter fore with any right intended to be guaran-teed to the citizen by the act of Congress re-ferred to. In securing that right it never could have been intended to interfere with any of the rights and established usages of any of the rights and established mages of the States, whose territory lay contiguous to the river, or as impairing the rights of in-dividuals granted by the States in further-ance at the great objects of trade and inter-course between the States. The object of the guaranty was that no obstruction should ever be made to navigation on the river, and that it should be free to all the citizens of the United States, and not to those on its for the ordinary purposes of navigation and for the ordinary purposes of navigation and trade. But it was never intended to inter-fere with the rights of travel and inter-communication between the States bordering on it, nor with the customary incilities necessary to that end. When the act was passed, there must

have been ferries at unmcrous points on the whole length of the river, which were highly useful, if not absolutely necessary, as the media of commerce and intercourse be-tween the States; and it is manifest that neans so necessary to the public conv ience were never intended to be affected b the act of Congress, and that the right guar auteed by the act was to be in subordination to the public good and the great right of travel and intercommunication so carefully secured in the Constitution. Accordingly, it has been held by the Supreme Court of the United States, that neither the guaranty of the free navigation of the Mississippi river, nor any right supposed to arise from the exnor any right supposed to arise from the exercise of the commercial power of Congress, interferces with the police power of the States in granting ferry licences. Fanning vs. Gregoire, 16 How. 534.

vs. Gregoire, 16 How. 534.

2. We proceed to consider the second question, whether the grant to the appellant is an interference with "the power to regulate commerce among the States," delegated to Congress by the Constitution. The act of the Legislature grants the ex-clusive privilege of keeping and maintain-

ing a ferry across the Mississippi River, for the accommodation of such persons and moveable property as may be for transpor-tation, to a point on the Louisiana shore, opposite the city of Vicksburg: which right is to cover the banks of the river for a distance on each side of that city, up and down the river; of four miles; and prohibits any other person from keeping a ferry within the specified limits.

It is to be observed, that the s miles on each side of the city of Vicksburg up and down the river, is merely the limit of the franchise granted to the appellant, within which all other ferries are prohibited. The grant of the franchise, of course, cannot operate to deprive the reparian proprietors, operate to deprive the repartan proprietors, in that space, of their property in the soil; and the privilege granted can only be exercised by the appellants using his own soil, within that space for the landing of his boat, or the lands of such other persons as may consent to there use by him. Nor can the franchise be so used as to impair the rights which the appellee has, under his license from the United States, to navigate the Misfrom the United States, to navigate the Mis-sissippi River: to land his boat at any point on the river, not in violation of the regula-tions of the city or town, or of the rights of the reparian proprietor, where the landing may take place, or to carry persons or prop-erty to any place authorized by his license; and to enjoy fully his right to carry on the

and to enjoy fully his right to carry on the coasting trade under his license; provided he does not use his boat as a ferry boat, within the limits of the appellants franchise.

As to the extent of the territory covered by the grant, the propriety of that is a matter depending on the circumstances of the case; and as no evidence of wrong or oppression, by reason of that is here shown, it must be pressinged that the Logislature it must be presumed that the Legislature made the grant to the extent it did, for good and sufficient reasons.

Is this grant, then, a usurpation of the power belonging to Congress, to regulate commerce among the States? It is true that ferries whether confined to the limits of a single, Stateor extending across rivers from one State to another, may be

limits of a single, State or extending across rivers from one State to another, may be very materially connected with commerce between the States, as the mode of conveyance by which trade and interconres are carried on between theen. But it by no means follows, that they are embraced in the power delegated to Congress to regulate commerce among the States, and that they are subject to the regulation of the Federal Government. They are, from their nature, matters of internal police of the State, essential to her domestic interests, and must necessarily be under the power of the State. The ends of public commerce intended to be subserved by such franchises cannot be attained without regulations of law for the faithful and efficient performances of the duties required; and inassanch as the propriety of such regulations depends greatly on local circumstances governing each case, the State Legislature, or tribunals authorized by it, are manifestly the proper depositions of that manifestly the proper depositions of the state of the sta this State into the Union, as that the Missisteppi river muon highway, and forever tribunals authorized by it, are manifestly the proper depositions of the United States, and that power. Hence it is well settled that the power to establish and regulate fourtes, has not been delegated by the States to the Federal Government, and consequently that it legitimately belongs to the States. In Gibbons vs. Ogden, 9 Wheat, 1-202, for the power of the Spareine Coast of the United States. ion of the Supreme Court of the United States, says: "They"—speaking of the State inspection laws and of a large class of local owers in the States—"form a part of the mmease mass of legislation which embrace

to Congress: and consequently they remain

to Congress; and consequently they remain subject to State Legislation."

It is insisted, by counsel for the appellee, that this statement is obster and not of authority. But, without going into a minute examination of the case to show that this is founded in error, it is sufficient to say, that the same principle has been frequently affirmed by the same court in subsequent cases, and that the decision is held as authortative on the point, by several of the most

In Fanning vs. Gregoire, above cited, the same court says: "The argument that the free navigation of the Mississippi River, guaranteed by the ordinance of 1787," (which s the same in substance as the act of Conis the same in substance as the act of Congress in relation to this State)—"or any right which may be supposed to arise from the exercise of the commercial power of Congress, does not apply in this case. Neither of these interfere with the police power of the State, in granting ferry license."

In Cooley vs. Board of Wardens of Phila-

delphia, 12 How, 320, the same court says. "The mere grant to Congress of the power to regulate commerce, did not deprive the States of the power to regulate pilots." And that the power is entirely analogous to that in relation to ferries, so far as each case may be affected by the provisions of the consti-tution of the United States.

In the case of city of New York vs. Miller, 11, Peters 141, the same court distinctly re-cognises the principles stated by Chief Jus-tice Marshall, and in the very lucid opinion of the court, the doctrine upon the antiject is thus stated, "That all those powers which relate to merely municipal legislation, or what may, perhaps more properly be called internal policy, are not thus surrendered or restrained; and that, consequently, in rela-

restrainest; and that, consequently, in relation to these the authority of a State is complete, unqualified and exclusive."

The case of Conway et. al. vs. Taylor's Ex'ers. I Black Sup. Court U. S. 663, bears all the leading features of this case, and is decisive of it

James Taylor the reparian proprietor of the ground fronting on the Ohio river at the city of Newport, obtained from the proper court in Kentucky, a license to keep and run a ferry from that town across the Ohio river. After be had been in the use and enjoyment of that franchise for many years, Conway and others formed a company, built a steam er to run as a ferry boat to and from Cincinnati and Newport, and rented a part of the river front of the city of Newport from the corporate authorities, and had the beat en-rolled in the custom house of the United States, obtained a license to run her in the coasting trade, and commenced running her coasting trade, and commenced running her as a ferry boat between the points stated. Taylor filed his bill in equity, enjoining the running of the boat as a terry boat, and the case was smally decided in the Court of Appeals of Kentucky perpetually explaining Conway & Co., from running their boat as a ferry boat from Newport across the river, because it was an infringement of the franchise of Taylor.

In rendering the decision, the Court of Appeas of Kentucky elaborately examines the objection now under consideration—that the franchise of Taylor was in conflict with the power of Congress to regulate commerce among the States and decides that the ob-

pection could not be sustained.

From that decree, an appeal was taken to the Supreme Court of the United States, and it was there affixed. The Court in delivering its opinion, quoted the extract above stated from the opinion of Chief Justice Marshall in Gibbons vs. Ogden, and adopted it with emphasis as applicable to ferries, say-ing that that proposition had not been ques-tioned in any subsequent adjudication, but had been repeatedly affirmed both in that Court and in the State Courts. The court also adopt the extract above quoted from Fanning vs. Gregoire; and after holding that there was nothing in the franchise

that there was nothing in the franchise granted infringing the commercial powers of the United States, and nothing transcending the legitimate exercise of the legislative power of the State concludes as follows:

"There has been now nearly three quarters of a century of practical interpretation of the Constitution. During all that time, as before the Constitution had its birth, the States have exercised the power to establish and regulate ferries. Congress never. That and regulate ferries, Congress never. That the authority lies within the scope of "that immense mass" of undelegated powers, which are reserved to the States respective-ly, we think too clear to admit of doubt. ly, we think too clear to acholly on that We place our judgment wholly on that If additional authority were required, it

is to be found in many of the State courts. onsidered and Incid opinion of the Court of Errors and Appeals of New Jersey in the Chasen Freeholders vs. The State, 4 Zabrisk, 718, and by the Sitpreme Court of New York, in the People vs. Babcock, 11 Wend, 586. In both of these cases, the courts consider the opinion of Chief Justice Marshall as above quoted, decisive of the question. that the power over ferries was not em braced in the provision of the Constitution of the United States here relied on, and that it is reserved to the States, and in the latter case, Nelson, J., uses the following foreible languages

"The constitutional power of Congress to regulate commerce with foreign nations stands upon the same footing as that which may exist among the several States; and it may exist among the several States; and if the State has not reserved the right to es-tablish and regulate ferries upon the waters in question within her limits, then she has not the right to establish and regulate ferries upon the waters separating her from other States, and the consequences would be, that no public ferries could exist, in all these cases unless under the authority of Congress. Such power has never been claimed by Congress; and on the contrary it has always been exercised by the several States, between which a ferry is practicable and convenient."

and convenient."
These adjudications with many more which might be cited, and especially that of Conway vs. Taylor appear to be conclusive of the question under consideration and to sustain the constitutionality of the tranchise of the appellant beyond doubt.

It follows from these views that the de-

erec dissolving the injunction must be re-versed and the cause remanded for furtherproceedings.

"A cracked bell is never sound."

Young ladies remember this, A "lovecracked maiden is never sound." merry ring of her voice becomes the dull, clanking clatter of a broken bell: the sweet tones which she once possessed are exchanged for discords, and she is about as worthless as a dinnerbell without a handle. Never let such little petty affairs as love, marriage, etc., crack you. Be a belle without a erack, and sound your sweet notes over the house. "There are as good fish in the sea as were ever caught, and as good husbands upon the land as ever got married. Recollect that if you become cracked you are not sound and then your "market is made" as sure as there is light and darkness.

THE CONSTITUTION SET TO MUSIC .-A Paris journal states that M. Greceler, a composer and planist known in New York and Boston, has set the American Constitution to music. This strange oritorium was lately performed before a selected audience, and though it lasted for several hours, it was received with enthusiastic approval. The critics compared Greceler favor-

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OFFICIAL. LAWS OF THE VAITED STATE

Passed at the First Semion of the Thirty-Nin

CHAP. XXIX.—AN ACT to provide Are and Ammunition for the Defence of the Inhabitants of Dakota Territory. Be it enacted by the Senate and House of the resemblatives of the United States of America Congress ensembled. That the Secretary of the, and he is hereby, authorized and direct to issue, upon the requisition of the agency of Dakota Territory, such amount of the agency of Dakota Territory, such amount of the agency of Dakota Territory. ordinance and ordinance stores as may necessary to arm the inhabitants of a Territory who may organize for defer against hostile Indians, not exceeding thousand stand of small-arms, one hun thousand rounds of ammunition, to be charged against the quota due, or to become due, to the Territory under laws for arming and equipping the militia.

APPROVED, April 7, ISSE.

CHAP. XXXII.—AN ACT granting to the State of Wisconsin a Donation of Public Lands to aid in the Construction of a Breakwater and Harbor and Ship Canal at the Head of Stargeon Bay, in the County of Door, in said State, to connect the Waters of Green Bay with Lake Michigan, in said State. Be it enacted by the Schale and House of

Representatives of the United States of America in Congress assembled. That, there be, and here-by is, granted to the State of Wisconsin for by is, grainled to the State of Wisconsin for the purpose of ading said State in construct-ing and completing a breakwater and har-bor and ship canal to connect the waters of Green bay with the waters of Lake Michigan, two hundred thousand acres of public lands, to be selected in subnivisious agrees bly to the United States survey, by an agent or agents appointed by the governor of said State, subject to the approval of the Secreta-ry of the Interior, from lands subject to priry of the interior, from lands subject to pre-vate entry: Procided, That said selections shall all be made from alternate and odd numbered sections of land nearest the local tion of said harbor and canal in said State not otherwise appropriated, and not from lands designated by the United States as

"mineral" before the passage of this act, nor from lands to which the right of pre-emption or homestead have attached.

Sec. 2. And be if further canced, That the said lands hereby granted shall be subject to the disposal of the legislature of said State or, if the legislature thereof shall not be in session, or said and be in session, or shall adjourn within ten days after the passage and approval of this act, then said lands shall be subject to the disposal of the governor and board of commissioners of school, university, and swamps lands of said State, for the purposes of aforesaid, and for no other; and the said canal shall be and remain a public backers. shall be and remain a public highway the use of the government of the United States, free from tell or charge upon the versels of said government, or upon vessels or ployed by said government in the transpor-tation of any property or troops of the Uni-

tation of any property of ted States.

SEC. 3. And be it further enacted. That before it shall be competent for said State to dispose of any of said lands, to be selected as aforesaid, the plan of said breakwatsr and barber and the route of said canal shall be barber and the route of said canal shall be established, and a plat or plats thereof shall be filed in the office of the War Depailment

and a suplicate thereof filed in the office of the Commissioner of the General Land Office SEC. 4. And be furthe enacted, That if the said breakwater, harbor and canal, shall not be completed within three years from the passage of this act, the lands hereby granted and remaining unsold shall revert to the United States.

United States.

SEC. 5. And be it further enacted. That the legislature of said state shall cause to be kept an accurate account of the sales and net proceeds of the lands hereby granted sed of all expenditures in the construction, repairs, and operating of said canal, and of the earnings theroof, and shall return a q statement of the same annually to the Secretary of the Interior. And whomever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts balance of such advances over such receipts from said lands and canal, with such inter-est, the said State shall be allowed to tax for the use of said caual only such tolls as shal be sufficient to pay all necessary expense for the care, charge, and repair of the same.

SEC. 6. And be it further enacted. That said ship canal shall be at least one hundred.

feat in width, with a depth of water not less APPROVED, April 10, 1866.

CHAP. XXXIII -- AN ACT to grant the Right of Way to the "Cascade Railroad Company" through a Military Reserve in Washington Territory.

Whereas, the Cascade Railroad Company a corporation duly created and organized un der the laws of Washington Territory, has constructed and put in operation a railroad on the Cascade Portage of the Columbia river, in said Territory, a portion of which said road is constructed through a military reserve of the United States; and whereas oubts have arisen as to the right to co struct such road through said reseve and the validity of the charter of said company:

Th erefore,

Be it enacted by the Senate and House of Rep. Re it enacted by the Senate and House of Rep-resentations of the United States of America in-Congress assembled. That there shall be, and is hereby, granted to the said Cascale Rull-road Company a right of way of sixty feet in width along the line of said road as at-present constructed and along the changes of location hereafter made to straighten and render said road safe through the public land of the United States, the military reserve, and the lands of urivate persons agreeing there. or the United States, the military reserve, and the hands of private persons agreeing there-to, including all necessary grounds for sta-tions, buildings, workshops, depots, machine shops, switches, die tracks, and wharves. And the charter of said company is hereby adopted and declared to be valid: Provided. That nothing in this act shall be so constru-ed as to give aid converse the circle to see ed us to give said company the right to occupy for any purpose similaries more than sixty feet in widthen the lim of said rood at any point or points where the space or passes the said of the construction of another constr tion of another parallel railroad turnpike, road, canal, or other public work for transortation of freight or passengers. APPROVED, April 10, 1866.

CHAP, XXXIX.—AN ACT to amend an Act cutilled "An Act to provide Ways and Means to support the Government," ap-proved March third, eighteen hundred and civit support.

Be if married by the Scente and House of Representative of the United States of America in congress essentialed, That the act critical "An corress assembled. That the act cuttiled 'An act to provide ways and means to support the Government' approved March third, eigheten hundred and sixty-five, shall be extended and construction authorize the Secretary of the Treasury, at his direction, to

That to authorize any increase of guidet Provided, That of Enited Ales not more than ten milions of may be retired and chancelled within the units from the passage of this set, and the let not more than four millions of the first the and to which this is an amendment shall continue in full force in all its not and to it is in the angle of the set of the next shall continue in full force in all its not shall continue in full force in all its not shall continue in full force and its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full force on all its next shall continue in full fo

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Mutual Fire Insurance Company in [of] the District of Columbia," approved on the tend day of January, eighteen hundred and fiftydive, be, and the same hereby is, so amended as to read fifty thousand deliars, in the place of twenty thousand dollars. APPROVED April 12, 1866.

CHAP. XLV—AN ACT making Appropria-tions for the Naval Service for the Year ending thirtieth June, eighteen hundred and sixty-seven.

Be it enacted by the Senate and House of Reg rescalations of the United States of America is Congress assembled. That the following sums be, and they are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the year ending the thirtieth of June, eighteen hundred and sixty seven. ixty-seven For pay of commission, warrant, and petty

officers and scamen, including the engines corps of the pavy, nine millions three hun-dred and thirty-six thousand six hundres

and thirty-eight dollars.

For the payment of bounties to discharged seamen, eight hundred thousand dollars.

For the purchase of various articles of equipment, viz canvas, leather, iron cables and anchors, oil, galleys, and stores, and for the payment of labor on articles manufactured in the navy yards, and for outfit store in the navigators', boatswain, and sailmakers' department of vessels, one million dol

For surgeous' necessaries and applicance for the sick and wounded of the navy, in-cluding the coast survey and engineer and marine corps, one hundred and sixty-eight housand seven hundred and fifty dollars

For navigation apparatus and supplies and for purposes incidental to navigation one hundred and ninety-two thousand fiv-

one hundred and ninety-two thousand five hundred dollars.

For contingent expenses of the navy, two hundred and tifty thousand Pallars.

Burean of Yards and Dock—For contin-gent expenses that may accome for the for-lowing purposes, viz: For freight and translowing purposes, viz: For freight and trans-portation: for printing, advertising, and stationery; for books, maps, models, and drawings for the purchase and repair of fire-engines; for machinery of every description, and patent right to use the same; for repairs of steam-engines and attendance; for pur-chase and maintenance of oxen and horses, and driving teams, for early times when riving teams, for earts and workmen's tools of every description for navy yard purposes; for telegrams and post age of letters on public service; for furniture for government offices and houses; for coals and other fuel, for candles, oil, and gas; for and other fuel, for candles oil, and gas; for clearing up yards; for thags, awnings, and packing-boxes; for pay of watchman; for in-cidental labor at navy yards not applicable to any other appropriation; for rent of land-ing at Portamonth, New Hampshire; for tolls and forriages; for water tax; and for rent of stores, one million seven hundred and sixty thousand dellars.

Bureau of Equipment and Recruiting.—For spenses that may accrue for the following purposes, namely: expenses of recruiting travelling expenses of officers, transportation of men, printing and stationery, advertising in public newspapers, postage on public letters, wharfage and denutrage, apprehension of deserters, pilotage and towage of vessels and assistance to vessels in direct ressels, and assistance to vessels in distress, right hundred thousand dollars.

Bureau of Navigation.—For contingent exfor freight and transportation of naviga-tion materials instruments, books and stores: for postage on public letters; for telegraphing on public business, for advertising for pro-posals; for packing-boxes and materials; for blank-books, forms and stationery at navi-gation offices; for maps, charts, drawings and models; and for incidental expenses not apto any other appropriation, fit thousand dollars.

Bureas of Medicine and Sorgery.—For con-

tingent expenses of the Bureau of Medicine and Safgery, seventy-live thousand dollars. Marise Corps.—For pay of officers, non-commissioned officers, musicians, privates, cierks, messengers, steward and nurse, and servants for rationa and clothing for officers' servants; additional rations to officers for five years' service: for undrawn clothing, and bounties for substances, one million one hundred and seven thousand and sixty-in fallers and ninety-five cents. ingent expenses of the Bureau of Medic For provisions, one hundred and sixty-ne thousand nine hundred and sixty-ne thousand nine hundred and seven dol-

ars and fifty cents. For clothing, three hundred and fourteen consand six hundred and sixty-three dol For fact, thirty thousand one hundred and

eventeen dollars.
For military stores, viz. Pay of mechanics. For initially stores, the repair of acroal rements, ordinance stores, flags, drams, lifes, and other instruments, a steen thousand dollars.

For transportation of officers, their services, the reservicing ten vants, troops, and expenses of recruiting, ten-thousand dollars.

For require of barracks, and rent of offices

shall and bunks repairs to public carryall; pur-

CHA XL—A. ACT to reliabline the State of Pennsylvania for Moneys advance of Government for War Purposes.

The XL—A. ACT to reliabline the State of Pennsylvania for Moneys advance of Government for War Purposes.

For fitting and furnishing plumber's, copposition and timber alips, twenty-eight than the state of the st

Statt of Pennsylvania and Colors and Resident Constructions of the United Expressed Assessed in Constructions of the United Expressed Assessed in Constructions of the United Expressed Assessed in Construction of the United Expressed Assessed in Construction of the United Expressed Assessed in Construction of the United Expressed Interest in the service of the United States, the sum of eight hundred thousand dollars, or so much thereoff as may be necessary, is hereby appropriated, out of any minery in the freasury not otherwise appropriated: Provided, That before the same is paid, the claim of the said State shall be again examined and settled by the Secretary of War.

Approved, April 12, 1866

CHAP. XLL—AN AN ACT to amend "An Act to incorporate the Matual Fire Insurance Company of the District of Columbia."

But enceted by the Senate and House of Expression — For purchase of the right of the said state of the said slaund to and across the navy vari. to take effect on the first day of January, eighteen hundred and sixty-seven.

But enceted by the Senate and House of Expression in the right of the right of the continue the public use of the bridge and thoroughfare leading from said island to and across the navy vari. to take effect on the first day of January, eighteen hundred and sixty-seven.

Be it enacted by the Senate and House of Representatives of the United States of America is Congress quantified. That the third section of an act entitled "An act to incorporate the Maran Every Congress assembled, That the third section of an act entitled "An act to incorporate the Maran Every Congress of the Property of the of the Propert

For one steam fire-engine, five thousand dollars. For widening main entrance, twelve

For widening man entrance, twere incusand dollars. For tools for machine and forge shops, seventy-one thousand five hundred dollars. For machinery for rope walk, thirty-one housand dollars For filling in a portion of timber-dock.

orty thousand dollars.

For addition to stable, eight thousand For repairs of all kinds, eighty-five thor

and dollars.

New York —For iron-plating shop, ninetyeight thousand nine hundred and twentytwo dollars. For receiving store, forty-seven thou ix hundred and three dollars.

For quay wall extension at sewer, one hundred thousand dollars. For continuing the work on the new ma-chine and boiler shop, one hundred thousand For dredging channels, sixty-five thousa

For special repairs, twenty thousand five

For special repairs, twenty thousand five hondred dollars.

For repairs of all kinds, one hundred and sixteen thousand dollars.

For the purchase of the Ruggles property, ninety thousand dollars.

For protecting from destanction and decay the unfinished buildings and other struct-ures already commenced, for which no ap-propriation is made in this bill, twenty

housand dollars,

Philadelphia.—For dredging channels, four housand and twenty-eight dollars.

For repairs of dry dock, forty-six thousand

ollars.

dollars.
For repairs of all kinds, fifty-eight thousand four hundred and eighty dollars.
For completing saw mill, twenty-five thousand dollars.
For extending south pier one hundred
feet, fifteen thousand dollars.

Washington. For new paint-shop, eight
thousand live hundred and eighty-three dollars.

For smithery, twelve thousand and sixty-For extension of iron foundry, eight housand four hundred and forty-five dol-For machinery and tools, ninety thousand ix hundred dollars.

ad six hundred dollars.

Norfolk.—For railway track and cars.

For machinery and tools, fifty thousand filled.

For new gate to dock basin, thirty thous-

For new gate or took and dellars.

For pile engine, seven hundred dollars.

For the preservation and necessary repairs of the property of the United States at the Pensacola navy yard, fifty thousand dollars, or so much thereof as may be necessarily

Mare Island, California For foundery and boiler establishment, eighty-five thous-and dollars. For eisterns buildings sixty-eight and fory-five, seven thousand three hundred dol-

For guay-wall, fifty thousand dollars.
For grading, twenty thousand dollars.
For cistern and holder for gas works, two housand live hundred deliars.
For repairs of all kinds, fifty thousand deli-HOSPITALS.

Boston.—For repairs of buildings, roads, fences, cemetery, walks, stable, and ferniture; painting, glasing, grounds and miscellaneous oms, ten thousand dollars.

New Fork —For repairs of haspitals build-

Act Fork—For repairs of hospitals buildings and appendages, roads, femes, walls, stables, and furniture; painting glazing consitery, grounds, and miscellaneous items, ten thousand five hundred dollars.

Laboratory, New Fork—For repairs of buildings and appendages, purchase and repairs of instruments, appratus and machinery, painting, glazing, furniture, and miscellaneous items, three thousand five hundred dollars.

Washington .- For completing building au-Hashington.—For completing building authorized by act of Congress approved March fourtiers, the city four, including cost of enclosing premises, grading sidewalks, laying curistones, together with necessary out-buildings and their appurtenances, thirty thousand dollars.

Annapolis.—For repairing hospital buildings, appendages, painting glazing, furnither, and miscellaneous items, five thousand dollars.

endages, painting, glating, ferniture, and miscelfancous items, seven thousand five undred dollars.

MINCHIZANDOUS. For pay of superingfulent, naval construcd tora, and all the civil establishment of the several newy yards and stations, one hundred and forty-six thousand, I we bundred and their and forty-six thousand, I we bundred and thirty dollars. And the properties clerk of the yard and first clerk to naval store, keeper at each of the newy yards at least mouth, New Hampebire, and Phile elphis, shall be twelve hundred dollars per assume. For testing the use of petroleum as a fuel under marine boilers, five thousand dollars. For a construction of a levee on the riverfacts of the government property at Mound City, Illinois, seven thousand dollars. To pay milesge of visitors to the Naval Academy, one thousand dollars.

For expenses of Naval Academy, viz: for pay of civil officers, professors, watchmen and other contingent expenses, improvements and repairs, one hundred and intertyeight thousand four hundred and twenty-

right thousand four hundred and twenty-nine dollars.

For the purchase of the land adjacent to the Naval Academy at Annapolis, beloning to the State of Maryland, and known as the

to the State of Maryland, and known as the government house and grounds, twenty dvo thousand dollars.

For the purchase of other grounds at Annapola for the use of the Naval Academy, twenty five thousand dollars.

For the erection of a building suitable for the accomodation of the third and fourth classes at the Naval Academy, one hundred thousand dollars.

opsand dollars. For the erection of a machine shop at the

Naval Academy, twenty thousand dollars.
For the increase of the library at the Naval
Academy, two thousand dollars.
For the enlargement of the chapel at the Naval Academy, and for the erection of mur-al tablets therein to commemorate the memory of naval officers who have sacrificed

their lives in the service of the country, seven thousand dollars, WAVAL OBSERVATORY.

For the pay of assistant astronomez, three aids, and clerk, eight thousand dollars.

For wages of instrüment maker, two watchmen, porter, and messenger; for keeping grounds in order, and repairs to buildings and enclosures; for fuel, light, office-furniture, and stationery, and ireight, transportation, postage, and incidental expenses, twelve thousand dollars.

For preparing for publication the American Nautical Almanae, fifteen thousand eight hundredpad offty dollars.

NAVAL ASYLUM, PHILADELPHIA.

For furniture and repairs to same, on thousand dollars.

For house-cleaning and witewashing eight hundred dollars.

For furnances, grates; and ranges, seven undred dollars. For gas and water rent, one thousand five For improvements of grounds, three hun-dred dollars.

For wharves and lots, eight hundred dol-For painting houses and walls, two thous and dollars. For repairs of all kinds, one thousand dol-

lars. For support of beneficiarles forty-eight thousand dollars.

For support of beneneraries horty-eight thousand dollars.

Sec. 2. And he it further enacted, That so much of the first section of the act making appropriations for the naval service, approved May twenty-first, eighteen hundred and sixty-from as appropriates two hundred and fifty thousand dollars for bounties for destruction of enemies yeasels, as per ate of July seventeenth, eighteen hundred and sixty-two," be amended so that said appropriation shall apply to all case's of destruction of enemies vessels during the recent rebelliou, and at the same rate as is provided in the act to which reference is made.

Sec. 3. Ind be it further enacted, That no portion of the amounts here in appropriated shall be paid in violation of the provisions of the act entitled "An act to prescribe an each of office, and for other purpose," approved July second, eighteen hundred and sixty-two.

Sec. 4. And be it further enacted, That SEC. 4. And be it further endeted. That so much of the second section of an act entitled an Act to regulate the pay of the pay of the United States, approved March three, eighteen hundred and thirty-live. A prohibite any allowance to any officer, in the name service for rent of quarters, or for furniture, or for lights, or first, or transporting baggage, and all acts and parts of acts authorizing the appointment of navy agents, be, and the same are hereby, repealed.

SEC. 5. And be it further enected, That the examination of candidates for advancious to the Naval Academy shall be held at such

For repairs of all kinds, sixty-one thous-ad six hundred dollars.

may direct.

Norfolk.—For railway track and cars, ight thousand dollars.

For repair of wharves, two thousand five indirect dollars.

For one Ames's wharf crane, three thousand dollars, in the case of the case

For ship joiners' shop and timber shed number tweive, forty-five thousand deliars.
For storehouse number fourteen, forty-six thousand deliars.
For the protection of the property at Norson much thereof as shall be necessary.

Fensicola, Florida.—For master office, seight thundred and fifty-two, for "survey and purposes, of such parts of Behring's Steam of the north Pacific ocean, and of the California of the California on the control of the California of the between the United States and Chinn, he, and the same is hereby, revived, and the Secretary of the Navy is hereby authorized and required to recommence and continue surveys and recommonsces in the Pacific ocean, not yet fully examined, by using such vessels, officers, crews, outfits, and supplies of the navy, as may be necessary and available for that services.

SEC. 9. And he if further enseits, That, for the purpose of setting the accounts of disbursing officers of the navy, where payments for contingent expenses have been made

bursing officers of the navy, where payments for contingent expenses have been made from the appropriation for "the pay of the navy" prior to the passage of the act making appropriations for the fiscal year eighteen hundred and sixty-three—four, the Secretary of the Treasury be, and he is hereby, authorized to transfer from the appropriation for the pay of the navy to the appropriations for contigent, the sum of two numbered and torty five thousand and making the form of the payoff the sum of two hundred and four dellars and twelve cents.

Approved, April 17, 1886.

CHAP. LXXII -- AN ACT to proble for the better Organization of the pay Department of the Navy.

ment of the Navy.

Be it enected by the Senate and House of Reresentatives of the Cuited States of America.
Congress assembled, That, from and after
passage of this act, the active list of the
corps of the navy shall consist of eight; a
masters, forty passed assistant payand thirty assistant paymasters.

ters shall be regarally promose as
missioned from passed assistant pay
and passed assistant paymasters, from
ant paymasters, and all and desert
masters authorized by the set to be
ed who have not begrefore seen;
and commissioned as assistant p. ing assistant payme in the grade they ware w dollars.

Norfolk—For repairs of buildings, appendadjess, roads, fences, rebuilding sen-wall,
painting and glazing, sponting and repairing root, wharves and bridges, brick pavement, stable, furniture, floors of basement,
improving grounds, and for miscellaneous
items, twenty thousand dollars.

Fenseola.—For repairs of building, appendages, painting, glazing, furniture, and
miscellaneous items ien thousand five hundead dellars.

Appendages, pointing, glazing, furniture, and
miscellaneous items ien thousand five hundead dellars on base of
welve hundred dellars.

Approvan, Mry 3, 1800.

When may a loaf of bread boto be inhabited? When it has a lit